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SENATE

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101-22

AGREEMENT WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE MARITIME BOUNDARY

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE MARITIME BOUNDARY, WITH ANNEX, SIGNED AT WASHINGTON, JUNE 1, 1990

SEPTEMBER 26, 1990.—Agreement was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate.

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LETTER OF TRANSMITTAL

THE WHITE HOUSE, *September 26, 1990.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, with Annex, signed at Washington, June 1, 1990. I also enclose for the information of the Senate the report of the Department of State with respect to this agreement and an illustrative chart of the maritime boundary.

In the agreement, the Parties agree that the line described in Article 1 of the Convention Ceding Alaska, signed March 30, 1867 (the 1867 Convention Line), is, as defined in the agreement, the maritime boundary between the United States and the Soviet Union. As such, it defines the limits within which each Party may exercise territorial sea jurisdiction or exclusive economic zone jurisdiction in those areas where their claimed 12 nautical mile territorial seas or 200 nautical mile exclusive economic zones would otherwise overlap or were otherwise in dispute. It also delimits, as between the Parties, such continental shelf jurisdiction beyond 200 nautical miles from their coasts as they may exercise in accordance with international law in the Arctic Ocean, Bering and Chukchi Seas, and a portion of the North Pacific Ocean.

I believe the agreement to be fully in the United States interest. It reflects the view of the United States that the maritime boundary should follow the 1867 Convention Line. The agreement resolves differences over where each Party has the right to manage fisheries and oil and gas exploration and development, as well as exercise other sovereign rights and jurisdiction, in these marine areas. Through its transfer of jurisdiction provisions, it also ensures that coastal state jurisdiction, in accordance with international law, is exercised by one or the other Party in all marine areas within 200 nautical miles of either or both coasts. Therefore, the agreement will permit more effective regulation of marine resource activities and other ocean uses and removes a significant potential source of dispute between the United States and the Soviet Union.

I recommend that the Senate give early and favorable consideration to this agreement and advise and consent to ratification.

GEORGE BUSH.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, September 6, 1990.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to the transmittal to the Senate for its advice and consent to ratification, the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, with Annex, signed at Washington, June 1, 1990. The Agreement establishes the maritime boundary between the United States and the Soviet Union in the North Pacific Ocean, Bering and Chukchi Seas and the Arctic Ocean. Also enclosed for the information of the Senate is an illustrative chart of the maritime boundary.

The maritime boundary defines the limits within which each Party may exercise territorial sea jurisdiction or exclusive economic zone jurisdiction in these areas where their claimed 12 nautical mile territorial seas or 200 nautical mile exclusive economic zones would otherwise overlap or were otherwise in dispute. It also delimits, as between the Parties, such continental shelf jurisdiction beyond 200 nautical miles from their coasts as they may exercise in accordance with international law in the Arctic Ocean, Bering and Chukchi Seas and a portion of the North Pacific Ocean.

As such, the Agreement resolves differences with respect to where each Party has the right to manage fisheries and oil and gas exploration and development, as well as exercise other sovereign rights and jurisdiction that both Parties claimed, in these marine areas. Through its transfer of jurisdiction provisions, it also ensures that coastal state jurisdiction, in accordance with international law, is exercised by one or the other Party in all marine areas within 200 nautical miles of either or both coasts. The Agreement, therefore, will permit more effective regulation of marine resource activities and certain other ocean uses and removes a significant potential source of dispute between the United States and the Soviet Union.

Negotiations on the maritime boundary were initiated in 1981 and continued over the following nine years. The negotiations addressed a number of significant issues. First, the Parties needed to agree on the basis for defining the limits of their maritime jurisdiction, where such jurisdiction permitted under international law would otherwise overlap. The United States regarded the line described in Article 1 of the Convention Ceding Alaska, signed March 30, 1867 (the 1867 Convention Line) as the maritime boundary and sought Soviet agreement on this position.

Second, the two sides applied differing cartographic techniques to depict the 1867 Convention Line. General United States practice

was to use arcs of great circles that best approximate the shortest distance between points on the surface of the earth. They appear as straight lines on a conic projection of the earth. General Soviet practice was to use a rhumb line, a line of constant compass bearing that appears as a straight line on a Mercator projection. There was also disagreement over the geographic location of one of the points described in the 1867 Convention as a basis for constructing the Convention Line. These differences resulted in the existence of a chord-shaped area in the Bering Sea—approximately 18,000 square nautical miles—that each side asserted to be on its side of the Convention Line.

Third, the Parties needed to define the limits of their respective maritime jurisdictions in the large area of the Bering Sea beyond 200 nautical miles of the coasts of both nations, subject to continental shelf, but not exclusive economic zone claims, and most of which lies on the United States sides of the Convention Line, however, depicted.

Fourth, there are areas on the U.S. side of the Convention Line (however depicted) that lie within 200 nautical miles of the Soviet coast but beyond 200 nautical miles of the U.S. coast, and one area (in the Bering Sea) on the Soviet side of the Convention Line that lies within 200 nautical miles of the U.S. coast but beyond 200 nautical miles of the Soviet coast. These areas are referred to as "special areas" in the Agreement. Simple use of the Convention Line as the maritime boundary, would have cut off or prevented exclusive economic zone claims in special areas by one Party where the other Party could not make such claims. This would have resulted in the fishery resources of the waters of these areas being subject to neither side's jurisdiction.

In resolving these issues, the Parties agreed that the line described in the 1867 Convention is the boundary throughout its entire length and agreed upon a common cartographic depiction of the Line. In addition, the Agreement provides for the transfer of sovereign rights and jurisdiction in the special areas from the Party that could claim such rights and jurisdiction in the absence of agreement of the Parties on the maritime boundary to the Party that could not. The transfer of jurisdiction provisions allow the Parties to achieve their common interest in assuring that all waters within 200 nautical miles of either or both coasts are subject to the fisheries jurisdiction of one or the other Party.

The boundary is drawn so as to lie between the differing U.S. and Soviet depictions of the Convention Line and is so located that each Party receives one-half of the aggregate of the areas in the Bering Sea in which the assertion of exclusive economic zone jurisdiction by either or both parties was disputed (that area lying between the differing depictions of the Convention Line plus the Bering Sea special areas).

Conclusion of the Agreement also required significant technical work. The United States and Soviet Union use different reference systems (datums) for locating points on the surface of the earth. Accurate delineation of the boundary called for determining the exact location of the base points on each coast from which to construct the line. This determination involved conversion of cartographic values to a commom datum (the World Geodetic System

1984) as well as agreement on the specific geographic coordinates of the relevant base points on such datum.

The preamble to the Agreement recalls the 1867 Convention and expresses the desire of the two Parties to resolve issues concerning their maritime boundary. It also sets forth their objective of ensuring that where coastal state jurisdiction could be exercised in the absence of a maritime boundary by either Party in accordance with international law, such jurisdiction is exercised by either the United States or the Soviet Union.

Article 1 records the agreement of the Parties that the line described as the "western limit" in the 1867 Convention (the 1867 Convention Line) is the maritime boundary. It also describes the legal effect of the boundary, obligating each Party to respect the boundary as limiting the extent of its coastal state jurisdiction otherwise permitted by international law for any purpose. It thereby settles the issue of where each side may, consistent with international law, manage offshore resources (the fishery resources of the waters as well as the oil and gas and other resources of the seabed and subsoil) and other oceans uses in marine areas that both claimed or could have claimed.

Article 2 describes the maritime boundary and indicates that it is defined by lines connecting geographic positions set forth in an Annex, which is an integral part of the Agreement.

The maritime boundary proceeds north and south of the Bering Strait from the mid-point between Big Diomede Island (Soviet) and Little Diomede Island (U.S.). North of the Strait, the boundary extends due north along the meridian of this mid-point as far as permitted under international law.

South of the Strait, the boundary generally extends from the same mid point southwestward to 167 degrees East Longitude (the end point of the Convention Line, as described in the 1867 Convention). This end point lies slightly beyond 200 nautical miles of the respective coasts of the United States and the Soviet Union.

Article 3 provides for the transfer of jurisdiction in special areas. By its terms, each Party agrees that with respect to special areas the sovereign rights and jurisdiction derived from exclusive economic jurisdiction that it could otherwise exercise in the absence of the agreement of the Parties on the maritime boundary may henceforth be exercised by the other Party. In effect, the Soviet Union agrees to the exercise of such rights by the United States in the three eastern special areas (the two in the Bering Sea and the one in the Chukchi Sea) and the United States agrees to the exercise of such rights by the Soviet Union in the one western special area (in the Bering Sea). (In light of the United States position that the Convention Line is the maritime boundary, the United States had never asserted fishery or continental shelf jurisdiction in the western special area.)

Article 3 makes clear that the exercise by either Party of sovereign rights and jurisdiction in the special areas does not constitute unilateral extension of coastal state exclusive economic zone jurisdiction beyond 200 nautical miles of its coasts. The transfer of exclusive economic zone sovereign rights and jurisdiction in the special areas is possible because these areas lie within 200 nautical miles of the coast of one of the Parties and that Party has, through

this Agreement, consented to the exercise by the other Party of such sovereign rights and jurisdiction in these areas. Each Party is obligated to ensure that any special area in which it exercises such rights and jurisdiction is characterized in its laws and legislation, and is represented on its charts, in a manner to distinguish it from the exclusive economic zone of that Party.

The exercise by the United States of the sovereign rights and jurisdiction transferred by the Soviet Union in the eastern special areas will require enactment of legislation by the Congress at least with respect to certain kinds of authority (e.g., fisheries).

Article 4 contains a disclaimer to make clear that the maritime boundary does not affect or prejudice either Party's position with respect to the rules of international law relating to the law of the sea.

Article 5 defines coastal state jurisdiction as referring to sovereignty, sovereign rights, or any other form of jurisdiction with respect to the waters or seabed and subsoil that may be exercised by a coastal state in accordance with the international law of the sea. The Agreement does not affect the right of hot pursuit under the international law of the sea.

Article 6 calls for any dispute over the interpretation of the Agreement to be resolved by negotiation or other peaceful means agreed by the Parties.

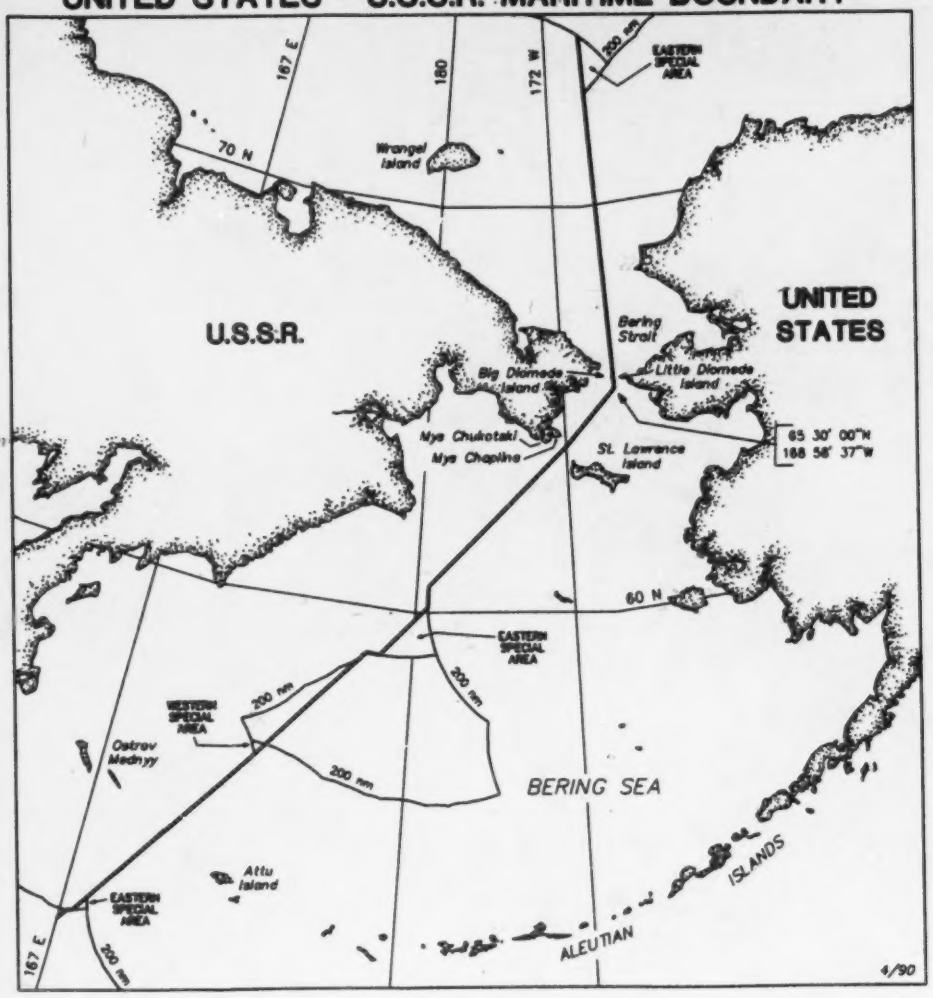
Article 7 provides that the Agreement will enter into force on the date of exchange of instruments of ratification.

I recommend that the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary be transmitted to the Senate as soon as possible for its advice and consent to ratification.

Respectfully submitted,

JAMES A. BAKER III.

UNITED STATES - U.S.S.R. MARITIME BOUNDARY



AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA
AND
THE UNION OF SOVIET SOCIALIST REPUBLICS
ON THE MARITIME BOUNDARY

The United States of America and the Union of Soviet Socialist Republics (hereinafter "the Parties"),

Recalling the U.S. - Russia Convention of March 18/30, 1867 (hereinafter "the 1867 Convention"),

Desiring to resolve issues concerning the maritime boundary between the United States and the Soviet Union,

Desiring to ensure that coastal state jurisdiction is exercised in all maritime areas in which such jurisdiction could be exercised for any purpose by either of the Parties, in accordance with international law, in the absence of a maritime boundary,

Have agreed as follows:

ARTICLE 1

1. The Parties agree that the line described as the "western limit" in Article 1 of the 1867 Convention, as defined in Article 2 of this Agreement, is the maritime boundary between the United States and the Soviet Union.

2. Each Party shall respect the maritime boundary as limiting the extent of its coastal state jurisdiction otherwise permitted by international law for any purpose.

ARTICLE 2

1. From the initial point, 65° 30' N., 168° 58' 37" W., the maritime boundary extends north along the 168° 58' 37" W. meridian through the Bering Strait and Chukchi Sea into the Arctic Ocean as far as permitted under international law.

2. From the same initial point, the maritime boundary extends southwestward and is defined by lines connecting the geographic positions set forth in the Annex, which is an integral part of this Agreement.

3. All geographic positions are defined in the World Geodetic System 1984 ("WGS 84") and, except where noted, are connected by geodetic lines.

ARTICLE 3

1. In any area east of the maritime boundary that lies within 200 nautical miles of the baselines from which the

breadth of the territorial sea of the Soviet Union is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured ("eastern special area"), the Soviet Union agrees that henceforth the United States may exercise the sovereign rights and jurisdiction derived from exclusive economic zone jurisdiction that the Soviet Union would otherwise be entitled to exercise under international law in the absence of the agreement of the Parties on the maritime boundary.

2. In any area west of the maritime boundary that lies within 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the Soviet Union is measured ("western special area"), the United States agrees that henceforth the Soviet Union may exercise the sovereign rights and jurisdiction derived from exclusive economic zone jurisdiction that the United States would otherwise be entitled to exercise under international law in the absence of the agreement of the Parties on the maritime boundary.

3. To the extent that either Party exercises the sovereign rights or jurisdiction in the special area or areas on its side of the maritime boundary as provided for in this Article, such exercise of sovereign rights or jurisdiction derives from the agreement of the Parties and does not constitute an extension of its exclusive economic zone. To this end, each Party shall take the necessary steps to ensure that any exercise on its

part of such rights or jurisdiction in the special area or areas on its side of the maritime boundary shall be so characterized in its relevant laws, regulations, and charts.

ARTICLE 4

The maritime boundary as defined in this Agreement shall not affect or prejudice in any manner either Party's position with respect to the rules of international law relating to the law of the sea, including those concerned with the exercise of sovereignty, sovereign rights or jurisdiction with respect to the waters or seabed and subsoil.

ARTICLE 5

For the purposes of this Agreement, "coastal state jurisdiction" refers to the sovereignty, sovereign rights, or any other form of jurisdiction with respect to the waters or seabed and subsoil that may be exercised by a coastal state in accordance with the international law of the sea.

ARTICLE 6

Any dispute concerning the interpretation or application of this Agreement shall be resolved by negotiation or other peaceful means agreed by the Parties.

ARTICLE 7

This Agreement shall be subject to ratification and shall enter into force on the date of exchange of instruments of ratification.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have signed the present Agreement.

DONE at Washington, this First day of June, 1990, in duplicate, in the English and Russian languages, each text being equally authentic.

FOR THE UNITED STATES OF AMERICA:

James A. Baker III

FOR THE UNION OF THE SOVIET SOCIALIST REPUBLICS:

Eduard Shevardnadze

ANNEX

The geographic positions set forth in this Annex are on the World Geodetic System 1984 ("WGS 84") and, except where noted, are connected by geodetic lines. One nautical mile equals 1,852 meters.

The maritime boundary is defined as follows:

From the initial point, 65° 30' N., 168° 58' 37" W., the maritime boundary extends north along the 168° 58' 37" W. meridian through the Bering Strait and Chukchi Sea into the Arctic Ocean as far as permitted under international law.

From the same initial point, the maritime boundary extends southwestward connecting the following geographic positions:

2. 65° 19' 58" N., 169° 21' 38" W.
3. 65° 09' 51" N., 169° 44' 34" W.
4. 64° 59' 41" N., 170° 07' 23" W.
5. 64° 49' 26" N., 170° 30' 06" W.
6. 64° 39' 08" N., 170° 52' 43" W.
7. 64° 28' 46" N., 171° 15' 14" W.
8. 64° 18' 20" N., 171° 37' 40" W.
9. 64° 07' 50" N., 172° 00' 00" W.
10. 63° 59' 27" N., 172° 18' 39" W.

11. 63° 51' 01" N., 172° 37' 13" W.
12. 63° 42' 33" N., 172° 55' 42" W.
13. 63° 34' 01" N., 173° 14' 07" W.
14. 63° 25' 27" N., 173° 32' 27" W.
15. 63° 16' 50" N., 173° 50' 42" W.
16. 63° 08' 11" N., 174° 08' 52" W.
17. 62° 59' 29" N., 174° 26' 58" W.
18. 62° 50' 44" N., 174° 44' 59" W.
19. 62° 41' 56" N., 175° 02' 56" W.
20. 62° 33' 06" N., 175° 20' 48" W.

21. 62° 24' 13" N., 175° 38' 36" W.
22. 62° 15' 17" N., 175° 56' 19" W.
23. 62° 06' 19" N., 176° 13' 59" W.
24. 61° 57' 18" N., 176° 31' 34" W.
25. 61° 48' 14" N., 176° 49' 04" W.
26. 61° 39' 08" N., 177° 06' 31" W.
27. 61° 29' 59" N., 177° 23' 53" W.
28. 61° 20' 47" N., 177° 41' 11" W.
29. 61° 11' 33" N., 177° 58' 26" W.
30. 61° 02' 17" N., 178° 15' 36" W.

31. 60° 52' 57" N., 178° 32' 42" W.
32. 60° 43' 35" N., 178° 49' 45" W.
33. 60° 34' 11" N., 179° 06' 44" W.
34. 60° 24' 44" N., 179° 23' 38" W.
35. 60° 15' 14" N., 179° 40' 30" W.
36. 60° 11' 39" N., 179° 46' 49" W.;

thence, it extends along an arc with a radius of 200 nautical miles and a center at 60° 38' 23" N., 173° 06' 54" W. to

37. 59° 58' 22" N., 179° 40' 55" W.;

thence, it extends southwestward along the rhumb line, defined by the following points: 64° 05' 08" N., 172° 00' 00" W., 53° 43' 42" N., 170° 18' 31" E. to

38. 58° 57' 18" N., 178° 33' 59" E.;

thence, it extends along an arc with a radius of 200 nautical miles and a center at 62° 16' 09" N., 179° 05' 34" E. to

39. 58° 58' 14" N., 178° 15' 05" E.
40. 58° 57' 58" N., 178° 14' 37" E.

41. 58° 48' 06" N., 177° 58' 14" E.
42. 58° 38' 12" N., 177° 41' 53" E.
43. 58° 28' 16" N., 177° 25' 34" E.
44. 58° 18' 17" N., 177° 09' 18" E.
45. 58° 08' 15" N., 176° 53' 04" E.
46. 57° 58' 11" N., 176° 36' 52" E.
47. 57° 48' 04" N., 176° 20' 43" E.
48. 57° 37' 54" N., 176° 04' 35" E.
49. 57° 27' 42" N., 175° 48' 31" E.
50. 57° 17' 28" N., 175° 32' 28" E.

51. 57° 07' 11" N., 175° 16' 27" E.
52. 56° 56' 51" N., 175° 00' 29" E.
53. 56° 46' 29" N., 174° 44' 32" E.
54. 56° 36' 04" N., 174° 28' 38" E.
55. 56° 25' 37" N., 174° 12' 46" E.
56. 56° 15' 07" N., 173° 56' 56" E.
57. 56° 04' 34" N., 173° 41' 08" E.
58. 55° 53' 59" N., 173° 25' 22" E.
59. 55° 43' 22" N., 173° 09' 37" E.
60. 55° 32' 42" N., 172° 53' 55" E.

61. 55° 21' 59" N., 172° 38' 14" E.
62. 55° 11' 14" N., 172° 22' 36" E.
63. 55° 00' 26" N., 172° 06' 59" E.
64. 54° 49' 36" N., 171° 51' 24" E.
65. 54° 38' 43" N., 171° 35' 51" E.

66. 54° 27' 48" N., 171° 20' 20" E.
67. 54° 16' 50" N., 171° 04' 50" E.
68. 54° 05' 50" N., 170° 49' 22" E.
69. 53° 54' 47" N., 170° 33' 56" E.
70. 53° 43' 42" N., 170° 18' 31" E.

71. 53° 32' 46" N., 170° 05' 29" E.
72. 53° 21' 48" N., 169° 52' 32" E.
73. 53° 10' 49" N., 169° 39' 40" E.
74. 52° 59' 48" N., 169° 26' 53" E.
75. 52° 48' 46" N., 169° 14' 12" E.
76. 52° 37' 43" N., 169° 01' 36" E.
77. 52° 26' 38" N., 168° 49' 05" E.
78. 52° 15' 31" N., 168° 36' 39" E.
79. 52° 04' 23" N., 168° 24' 17" E.
80. 51° 53' 14" N., 168° 12' 01" E.

81. 51° 42' 03" N., 167° 59' 49" E.
82. 51° 30' 51" N., 167° 47' 42" E.
83. 51° 19' 37" N., 167° 35' 40" E.
84. 51° 11' 22" N., 167° 26' 52" E.;

thence, it extends along an arc with a radius of 200 nautical miles and a center at 54° 29' 42" N., 168° 05' 25" E. to

85. 51° 12' 17" N., 167° 15' 35" E.
86. 51° 09' 09" N., 167° 12' 00" E.
87. 50° 58' 39" N., 167° 00' 00" E.

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